IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No. 716 of 1997

Date of Decision :September 10, 2007

Banarsi Dass Gupta

.... Petitioner

Versus

State Bank of Patiala and another.

... Respondents

CORAM : HON'BLE MR. JUSTICE S.D. ANAND

Present : Mr. Amit Chopra, Advocate,
for the petitioner.

Mr.CB Goel, Advocate for the respondents.

S.D. Anand, J.

As apparent from the record, pensionary benefits came to be sanctioned in favour of the petitioner w.e.f. 1.1.1996. He did receive pension upto 31.5.1996. The stoppage of pension was directed by the respondent – Bank vide order dated 25.6.1996 (Annexure P3). The order informed the petitioner that since the latter had been compulsorily retired by the Bank and since he had concealed that fact while submitting the relevant application form for the grant of pensionary benefit, he was not eligible for the pensionary benefits. He was further directed to refund a sum of Rs.15,400/- which had been paid during the period January 1996 to May 1996.

Apart from other facets of controversy, an essential grievance

of the petitioner was that the impugned order could not have been granted without affording an opportunity of a hearing to him.

It is not even the plea on behalf of the respondents that an opportunity of hearing had been afforded to the petitioner before the impugned order came to be passed.

In view of the fact that there is ample pleading-related proof that an opportunity of hearing had been denied to the petitioner before the impugned order came to be granted, it (impugned order) has to be compulsively invalidated as being violative of the principles of natural justice to the effect that no one can be condemned unheard.

In the light thereof, I do not feel called upon to adjudicate upon the validity or otherwise of the pleas raised on behalf of the parties.

In the light of foregoing discussion, the impugned order, (Annexure P3) shall stand quashed. However, it would not debar the respondent-Bank from passing an order afresh in the context after affording an opportunity of a hearing to the petitioner.

September 10, 2007 **(S. D. ANAND)**
SRM **JUDGE**